

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 15, 2003**

DIVISION TWO

B159319     Santa Margarita Catholic High School     (Not for Publication)  
                 v.  
                 Cushing

The appeal is dismissed. Appellant to bear her own costs.

Doi Todd, J.

We concur:   Boren, P.J.  
                     Nott, J.

B160793     Bernard Bros., Inc.                     (Not for Publication)  
                 v.  
                 DiDonna's Masonry, Inc., et al.

The summary judgment is reversed. Appellant to recover costs on appeal.

Doi Todd, J.

We concur:   Boren, P.J.  
                     Ashmann-Gerst, J.

B163481     People                                     (Not for Publication)  
                 v.  
                 Guzman

The order denying appellant's motion is affirmed; the appeal from denial of the alternative petition for writ of error coram nobis is dismissed.

Doi Todd, J.

We concur:   Boren, P.J.  
                     Ashmann-Gerst, J.

July 15, 2003 (Continued)

## DIVISION TWO (Continued)

B161141      People                      (Not for Publication)  
v.  
Cortez

The judgment is affirmed.

Doi Todd, J.

We concur:   Nott, Acting P.J.  
                      Ashmann-Gerst, J.

B155493      Strathvale Holdings, LTD., et al. (Not for Publication)  
v.  
Silbert, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Doi Todd, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

B153395      Penuela                  (Not for Publication)  
v.  
Weiss

---

The orders of the superior court, entered August 17, 2001, September 19, 2001, and December 28, 2001, are affirmed. Appellant Roy Penuela's motion to disqualify Weiss is denied. Appellant Roy Penuela is ordered to bear respondent Susan Weiss's costs of appeal.

Doi Todd, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

DIVISION THREE

Court convened at 9:35 a.m.

July 15, 2003 (Continued)

DIVISION THREE (Continued)

Present: Klein, P.J., Croskey, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B159581 Artal v. Alen  
B161456 People v. Rodriguez  
B156969 People v. Cox, et al.  
B160531 People v. Thompson  
B160082 People v. Gutierrez  
B160420 People v. Athans  
B159993 People v. Basulto

Argument waived, cause submitted.

B159542     Kenyon  
              v.  
              Figueroa, et al.

Merits:

Argued by Ernest P. Algorri for appellant and by Roxanne Huddleston for respondents. Cause submitted.

B158129     Graves, et al.  
              v.  
              Brum, et al.

Merits:

Argued by Steven A. Blum for appellants and by David B. Pillemer for respondents. Cause submitted.

B161093     People  
              v.  
              Culver

Merits:

Argued by Lynette A. Moore for appellant and by Theresa A. Cochrane, deputy attorney general for respondent. Cause submitted.

DIVISION THREE (Continued)

B161399 Columbus Antiques & Decorative Center, et al.  
v.  
Waste Management, Inc., et al.

Merits:  
Argued by Michael Bergfeld for appellants and by Thomas Tuttle for respondents. Cause submitted.

B160769 People  
v.  
Porter

Merits:  
Argued by James M. Crawford for appellant and by Lawrence Daniels, deputy attorney general for respondent. Cause submitted.

B158026 People  
v.  
Rios

Merits:  
Argued by Mark Stuart Devore for appellant and by Stephen McEwen, deputy attorney general for respondent. Cause submitted.

B161972 Kerley  
v.  
Delfalco, et al.

Merits:  
Argued by Daniel Kaminsky for appellants and by R. Carlton Seaver for respondent. Cause submitted.

B160997 People  
v.  
Gutierrez

Merits:  
Argued by Donna L. Harris for appellant and by Richard Moskowitz, deputy attorney general for respondent. Cause submitted.

DIVISION THREE (Continued)

B159294     People  
              v.  
              Pinkston

Merits:  
Argued by Gerald M. Serlin for appellant and by Richard Moskowitz,  
deputy attorney general for respondent. Cause submitted.

B149573     O'Hearn, et al.  
              v.  
              Podracky

Merits:  
Argued by Thomas A. Turner and Paul Madruga for respondents and by  
Craig R. Breitman for appellant. Cause submitted.

Court recessed at 12:16 p.m.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B161823     People  
              v.  
              Wheat

Merits:  
Argued by Julia Swanson for appellant and by Erin Pittman, deputy  
attorney general for respondent. Cause submitted.

B160641     Hill  
              v.  
              County of Los Angeles, et al.

Merits:  
Argued by Scott D. Myer for appellant and by Nohemi Ferguson for  
respondents. Cause submitted.

July 15, 2003 (Continued)

DIVISION THREE (Continued)

B161047     People  
              v.  
              Barrett

Merits:

Argued by Barbara O'Neill Ferris for appellant and by Michael Whitaker, deputy attorney general for respondent. Cause submitted.

B158049     People  
              v.  
              Acuna, et al.

Merits:

Argued by Dale Dombkowski and Waldemar D. Halka for appellants and by Theresa A. Cochrane, deputy attorney general for respondent. Cause submitted.

Court adjourned at 3:00 p.m.

DIVISION FIVE

B156163     Yei-Hwei Tong                     (Not for Publication)  
              v.  
              Fred Sanchez

The judgment is reversed as to defendant and respondent Fred Sanchez as he was improperly dismissed from the second cause of action. The judgment as to defendants and respondents Jassie Hooks, Clara Piedra, and Judy Ranmsey is affirmed. Each party to bear his or her own costs on appeal.

Mosk, J.

We concur:    Grignon, Acting P.J.  
                      Armstrong, J.

July 15, 2003 (Continued)

DIVISION FIVE (Continued)

B162741      People                                 (Not for Publication)  
v.  
Adi Jaffe

The judgment is affirmed.

Mosk, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

## DIVISION SIX

B156749 People (Not for Publication)  
v.  
Lomako

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

## DIVISION SEVEN

B167348      Los Angeles County, D.C.S.  
v.  
Susan W.

B168292      In re Richelle G., a Minor  
Los Angeles County, D.C.S.

V.  
Richard Daniel G.  
In re Richelle G., a Minor

Filed order consolidating above captioned appeals.

July 15, 2003 (Continued)

DIVISION EIGHT

July 15, 2003

120010-03

THE HONORABLE **STEVEN Z. PERRREN**, Associate Justice of the Court of Appeal, Second Appellate District, Division Six, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division EIGHT**, as a justice thereof, on the following date(s):

**September 25, 2003**

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, in necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

July 11, 2003

Ronald M George  
Chief Justice of California and  
Chairperson of the Judicial Council